



AGENDA

Jefferson County Planning Commission

Tuesday, November 01, 2016, 7:00 PM

Planning Commission meetings are held in the Old Charles Town Library Meeting Room located at 200 East Washington Street, at the side entrance on Samuel Street in the City of Charles Town.

All Citizens that desire to speak must sign-in prior to the Agenda Item being addressed.

1. Approval of Meeting minutes:
 - October 11, 2016.
2. Citizen Communications: If you wish to comment, please sign-in to speak for issues that are not on the agenda or items that are not open for public comment. Items not open for public comment will be so noted.
3. Request for postponement.
4. Review and approval of the 2017 Planning Commission Meeting Schedule.
5. **Public Hearing:** Waiver request for The Asam Family Limited Partnership (PCW#16-10). The applicant is requesting a waiver from Sections 20.201B and Sections 24.110 through 24.117 of the Subdivision Regulations which requires most non-residential subdivisions to process as a major subdivision. The property is designated as Tax District: Shepherdstown (09); Tax Map: 1; Parcel: 1; Zoned: Residential Growth (RG); Size: 6.15 acres; Owner: The Asam Family Limited Partnership.

There is no public comment for the remaining items.

6. Reports from Legal Counsel and legal advice to the Planning Commission.
 - a) Active Litigation:
 - Far Away Farms: Report on legal action in Jefferson County Circuit Court, Case # 11-C-325 Possible Executive Session
 - Shiloh Citizens Association: Report on legal action in Supreme Court, Docket #15-1031 Possible Executive Session.
7. Planners Memo.
8. President's Report.
9. Actionable Correspondence.
10. Non-Actionable Correspondence.

All files are made available for public review Monday through Friday, 9:00 AM to 5:00 PM (excluding Holidays). The Planning Commission welcomes written comments at any time. Submitting a document no later than the Thursday before a scheduled meeting will provide the Commission an advanced opportunity to review your comments prior to the meeting. Please note that documentation and exhibits submitted at a

Planning Commission meeting are retained as part of the official record. Feel free to submit your comments to office of the Departments of Planning and Zoning.

Any party desiring a transcript of these proceedings will be responsible for providing a competent stenographer at their own expense. Minutes, video and/or audio recordings of past meetings, the Jefferson County Subdivision Regulations, Zoning Ordinance and Comprehensive Plan, as well as any working proposed amendments are located on the Departments page within the County's website at www.jeffersoncountywv.org. Minutes and audio recordings of older meetings that are not on the County's website are available for review in the office.

Jefferson County Planning Commission
October 11, 2016

The Jefferson County Planning Commission met on October 11, 2016 with the following Commission members present: Mike Chapman, President; Wade Louthan, Vice President; Gary Phalen, Gene Taylor, Steve Stolipher, Dickie Childs, Peter Onoszko and J Ware. Staff members present included Jennie Brockman, County Planner; Lydia Lehman, Assistant Prosecuting Attorney; Jonathon Saunders, County Engineer; and Rhonda Greenholtz, Planning Clerk

Donnie Fisher was absent with prior notification

Mr. Mike Chapman called the meeting to order at 7:00 PM

1. Approval of the minutes from the following Planning Commission Meetings

- September 13, 2016

The minutes were approved with no objections

2. Citizen Communications. None.
3. Request for postponement. None

4. **Public Hearing:** Waiver request for The Conservation Fund, Freshwater Institute (PCW#16-09).

The applicant requested a waiver from Section 22.504 B (2) of the Subdivision Regulations which requires a riparian buffer of 50' measured from the top of the stream bank along ephemeral streams with stream channels. The property is designated as Tax District: Shepherdstown (09); Tax Map: 3; Parcel: 3.10; Zoned: Rural (R); Size: 103 acres; Owner: The Conservation Fund.

Ms. Jennifer Brockman provided an overview of the background and review of the request. The request is to replace an existing 3,068 sq. ft. structure with a new 5,451 sq. ft. aquaculture tank structure. A portion of the existing and new structure is located within the required 50' buffer; however, the applicant will also be providing a bioretention basin that will slow and treat on-site stormwater runoff before it flows to the ephemeral stream. Planning staff recommends approval of this waiver provided the impact on the required buffer is limited to the area depicted on the graphic included as part of the staff report.

Mr. Ryan Perks Alpha Associates, representative for the applicant was present.

Mr. Mike Chapman asked the applicant if he would like to speak.

The representative for the applicant declined to speak.

Mr. Jonathon Saunders, County Engineer, presented the Engineering report. Engineering staff recommends approval of this waiver based on the fact that the proposed structure will not increase the impervious area and water quality will not be adversely affected.

Mr. Mike Chapman opened the floor to Public comment.

No Public comment was made.

Mr. Mike Chapman closed the floor to Public comment.

Mr. Steve Stolipher made a motion to approve the waiver. Mr. Gary Phalen seconded the motion which passed unanimously.

5. Planning Commission By-Laws. Discussion/possible drafting of policy regarding criteria for scheduling a fourth Tuesday meeting of the Planning Commission.

Ms. Jennifer Brockman presented a memo from the September 13, 2016 Planning Commission meeting regarding drafting of a Policy regarding the scheduling of a 4th Tuesday meeting. Ms. Brockman read the draft Policy to the Planning Commission members.

A motion was made by Mr. Steve Stolipher to approve the Policy. Mr. Wade Louthan seconded the motion which passed unanimously.

Mr. Mike Chapman signed the Policy.

6. Reports from Legal Counsel and legal advice to the Planning Commission.

a) Active Litigation:

- Far Away Farms: Report on legal action in Jefferson County Circuit Court, Case # 11-C-325 Possible Executive Session. No new report.
- Shiloh Citizens Association: Report on legal action in Supreme Court, Docket #15-1031 Possible Executive Session. No new report. This item may be removed from future agendas. Ms. Lydia Lehman will confirm this at a later date.

7. Planners Memo.

Ms. Brockman presented the Planners memo which included the status of various amendments and a graphic of the Annual Report as requested by the Planning Commission members.

The next scheduled meeting will be held on November 1, 2016 due to the election.

8. President's Report. None
9. Actionable Correspondence. None
10. Non-Actionable Correspondence. None

Mr. Chapman motioned to adjourn the meeting at 7:28 PM.



JEFFERSON COUNTY, WEST VIRGINIA

Office of Planning and Zoning

116 East Washington Street, 2nd Floor

P.O. Box 338

Charles Town, West Virginia 25414

Email: planning_department@jeffersoncountywv.org

Phone: 304-728-3228

Fax: 304-728-8126

2017 MEETING SCHEDULE JEFFERSON COUNTY PLANNING COMMISSION

Planning Commission meetings are held in the Old Charles Town Library Meeting Room located at 200 East Washington Street, at the side entrance on Samuel Street at 7:00 PM.

Regular Meetings

January 10, 2017

February 14, 2017

March 14, 2017

April 11, 2017

May 9, 2017

June 13, 2017

July 11, 2017

August 8, 2017

September 12, 2017

October 10, 2017

November 14, 2017

December 12, 2017

Tentative Meetings*

January 24, 2017

February 28, 2017

March 28, 2017

April 25, 2017

May 23, 2017

June 27, 2017

July 25, 2017

August 22, 2017

September 26, 2017

October 24, 2017

November 28, 2017

December 26, 2017

*Tentative meetings are held if necessary to conduct Commission business or to meet required deadlines [in accordance with the Planning Commission's 4th Tuesday Meeting policy \(approved 10/11/16\)](#).

Such meeting can be called by the President of the Commission or by a majority vote of the Planning Commission.

Changes in the time or location of the meeting shall be noticed on the County's website at www.jeffersoncountywv.org.


Note: If County offices have been closed due to inclement weather, or if weather conditions make travel unsafe for the public, the Planning Commission meeting may be cancelled. Please check the County's website for possible meeting updates during this time. Thank you.

STAFF REPORT

Jefferson County Planning Commission

November 01, 2016

Item #4 Public Hearing: Waiver request for the Asam Limited Family Partnership (PCW#16-10). The applicant is requesting a waiver from Section 20.201B and 24.110 through 24.117 of the Subdivision Regulations, which requires most non-residential subdivisions to process as a major subdivision.

APPLICANT:	Asam Limited Family Partnership
OWNER:	Asam Limited Family Partnership
DEVELOPER:	Same as above
CONSULTANT:	P.J. Raco Consulting, LLC
PROPERTY LOCATION:	<p>District: Shepherdstown Corp. (10); Map: 1; Parcel: 1 Size: 6.15 acres, (~2.45 ac in the County and ~3.7 ac in the Corporation) Zoned: Residential Growth</p> 
SURROUNDING PROPERTIES	<p>Zoning Map Designation</p> <p>North: Residential Growth South: Corporation of Shepherdstown East: Residential Growth West: Residential Growth</p>
PROPOSED ACTIVITY	Divide an existing nonresidential lot into two lots utilizing the Minor Subdivision process.
SITE PLANS	<p>80-10, Bavarian Inn Planned Unit Development (addition of 3 buildings of 9 units each, and ancillary facilities).</p> <p>84-03, Bavarian Inn Resort II Planned Unit Development (additional 12-unit building).</p>
ZONING VARIANCES	<p>02-21-13: BZA approved the following variances (ZV13-04 – ZV13-08):</p> <ul style="list-style-type: none"> A reduction of the side setback for a commercial site greater than 1.5 ac.

STAFF REPORT

Jefferson County Planning Commission

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	<p>from 50' to 20';</p> <ul style="list-style-type: none">• A reduction of the rear setback for a commercial site greater than 1.5 ac. from 50' to 16';• A reduction of the side distance requirement for a commercial use adjacent to a residential use from 75' to 20';• Eliminate the 10' screened buffer requirement for a commercial use adjacent to a commercial use; and• Reduction of the rear distance requirement for a commercial use adjacent to a commercial use in the Residential Growth district from 75' to 16'. <p>09-22-16: BZA approved the following variance (ZV16-17):</p> <ul style="list-style-type: none">• A reduction of the side distance requirement for a commercial use adjacent to a dwelling from 75' to 57' to allow for the construction of a 1,500 sq. ft. addition to existing restaurant.
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Background

The Bavarian Inn consists of multiple properties which are partially located within the Corporation of Shepherdstown and partially within Jefferson County. The properties located in the County are zoned Residential-Growth. The properties contain multiple buildings which include 72 hotel rooms and formal and informal dining areas. The original structure is considered a Legal Nonconforming Use in the County and the newer structures were processed as Planned Unit Developments in the 1980's. The properties already have and share two WV DOH approved entrances onto Shepherd Grade Road and one onto Duke Street which will not be impacted by this request.

Many of the buildings on the property were constructed prior to the enactment of the Jefferson County Subdivision Regulations. In 1980, the property owners received County approval of the Bavarian Inn Planned Unit Development for the addition of 3 buildings with 9 units each and ancillary facilities. In 1984, the County approved the Bavarian Inn Resort II Planned Unit Development for an additional 12-unit building. In 1999, a site plan was approved for improvements to the Bavarian Inn facilities. In 2013, the applicant was granted variances from Section 4.6 to reduce the distance requirement for the purpose of constructing a poolside building and replacing the pool on their adjoining parcel to the east and in 2016, a variance was granted to allow an expansion of the restaurant onto the outdoor seating area.

Review of the Request

The applicant is proposing to create two lots out of the approximately 6.15 acre parcel which houses the main building of the Inn and the restaurant, for corporate and financial reasons. The Inn occupies multiple parcels with different partnerships (within the family). There will be no external impact or changes to anything on the ground. A new lot line will be created along the Jefferson County/municipal boundary. All elements of the property will remain the same. The newly created parcels will continue to access the existing entrances. Board of Zoning Appeals variances will also be required. If the vacant parcel is developed, the applicant understands they must receive WVDOH approval for an entrance permit.

The goal is to keep the main building (Bavarian Inn) on its own parcel. The applicant is asking that the Planning Commission approve a waiver to advance to Final Plat stage and to process the division as a Minor Subdivision.

STAFF REPORT

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Relevant Sections of the Subdivision Regulations

There are limited provisions in the Jefferson County Subdivision Regulations which would allow a non-residential property to process as a Minor Subdivision as detailed below in Section 20.201B. Generally, a nonresidential subdivision may only process as an administratively approved minor subdivision if it is a lot within an approved industrial park or existing major non-residential subdivision or if it is in the Rural Zoning District creating one new lot. Additionally, this Section requires that lots created under this provision shall not have direct access to a state road except for those proposals utilizing the non-residential permitted uses in the Rural District. Because the 6.15 acre parcel which is the subject of this waiver request is neither in an industrial park or existing major non-residential subdivision nor zoned Rural, and because the parcel has direct access to a state road, approval of this waiver is required.

“Sec. 20.201 Minor Subdivisions

B. Non-Residential.

The re-subdividing of a lot located in an approved industrial park or existing major non-residential subdivision shall be permitted to follow the minor non-residential subdivision process. When a non-residential subdivision is provided for in the rural district, such development may utilize the minor non-residential subdivision provisions provided only one parcel is being subdivided off and only one use will be established on the lot. All minor non-residential subdivisions shall contain, but are not limited to, the following criteria:

1. Lots. A minor non-residential subdivision divides the property into more than one lot.
2. Access. All lots shall front on an existing internal subdivision road built to county grade road standards and having a minimum right-of-way width of 50 feet. Lots having direct access to a state road are not permitted to process as a minor, except for those proposals utilizing the non-residential permitted uses in the Rural District.
3. Water/Well or Sewer/Septic. Potable water and sewer shall be provided according to the requirements of Appendix B, Engineering Standards. All submissions shall provide a plat approved by the Department of Health.”

Zoning Ordinance Implications

Because the 6.15 acre property is considered a Legal Nonconforming Use in the County, any expansion of the uses on the portions of the property located in the County are subject to the provisions of Section 4.3 of the Zoning Ordinance, unless the property is rezoned or receives other approval of the principal uses.

Because the applicant is proposing to divide an existing lot with multiple uses into two lots but intends for it to function as a single business entity, there are a number of requirements of the Zoning Ordinance that will also have to be varied by the Board of Zoning Appeals. These include Section 4.11A (landscape buffer between commercial uses); Section 5.4D.2 (parking and drive aisle setbacks) and the provisions of Appendix B. If the Planning Commission approves this Waiver request to allow the subdivision to process as a Minor Subdivision, the approval should be conditioned upon the applicants receiving approval of the Zoning Variances prior to processing the subdivision. Additionally, a note shall be placed on the plat that

STAFF REPORT

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states that the lots have the right of access across each other and that if either lot is sold to any non-related entity, an access easement shall be created.

Waiver Requirements:

The Subdivision Regulations require that in order for a waiver to be approved by the Planning Commission, the following four criteria must be met. The criteria are listed below for your review and are adequately addressed in the application.

The design of the project will provide public benefit in the form of reduction in County maintenance cost, greater open space, parkland consistent with the County parks plan, or benefits of a similar nature.

The waiver, if granted, will not adversely affect the public health, safety or welfare or the rights of adjacent property owners or residents.

The waiver, if granted, will be in keeping with the intent and purpose of these Regulations.

The waiver, if granted, will result in a project of better quality and/or character.

Staff Recommendation

Because the proposed division is for corporate purposes only and has no impact on the function of the business or the properties, staff supports the request to process the proposed division as a Minor Subdivision; provided that a note be placed on the plat that states that the lots have the right of access across each other and that if either lot is sold to any non-related entity, an access easement shall be created; and provided that the delineated Zoning Variances are approved by the Board of Zoning Appeals. If the Zoning Variances are not approved, the Planning Commission Waiver to process as a Minor Subdivision shall be void.

#PCW16-10



JEFFERSON COUNTY, WEST VIRGINIA
Departments of Planning and Zoning
116 East Washington Street, P.O. Box 338
Charles Town, WV 25414

Staff Initials: CTC
Sketch Received:
List of Adjoiners:
Fees Paid: \$100.00

www.jeffersoncountywv.org/government/departments/planning-and-zoning-department.html

Email: planningdepartment@jeffersoncountywv.org
zoning@jeffersoncountywv.org

Phone: (304) 728-3228
Fax: (304) 728-8126

Waiver Request

Note: Waivers from the 2008 Amended Subdivision Regulations must comply with Division 24.300 of the Subdivision Regulations.

Sketch on a separate sheet of paper the shape and location of lot. Show the location of the intended construction or land use indicating building setbacks, size, and height. Identify existing buildings, structures, or land uses on the property. Sign and date the sketch. Provide a vicinity map of the area and a list of the adjoining property owner's mailing addresses.

Property Owner Information

Name: Asam Family Limited Partnership (Bavarian Inn)
Mailing Address: 164 Shepherd Grade Road, Shepherdstown, WV 25443
Phone Number: 304/876-2551 Email:

Applicant Contact Information

Name: Christian Asam Prime Contact: Paul J Raco
Mailing Address: Above and Below
Phone Number: Email:

Applicant Registered Engineer(s), Surveyor(s), or Consultant(s)

Name: P.J. Raco Consulting LLC: Paul J. Raco Allegheny Surveys: Mike Shepp
Mailing Address: P.O. Box 548 Charles Town, WV 25414
Phone Number: 304/676-8256 Email: pjraco.consulting@gmail.com

Physical Property Details

Physical Address 164 Shepherd Grade Road, Shepherdstown, WV 25443
City: Shepherdstown State: WV Zip Code: 25443
Tax District: Shepherdstown District Map No: 1 Parcel No: 1
Parcel Size: Approx. 6 Acres +- Deed Book: 765 Page No: 756

Zoning District (please check one)

Grid of zoning districts with checkboxes: Residential Growth (RG), Industrial Commercial (IC), Rural (R), Residential-Light Industrial-Commercial (R-LI-C), Village (V), Neighborhood Commercial (NC), General Commercial (GC), Highway Commercial (HC), Light Industrial (LI), Major Industrial (MI), Planned Neighborhood Development (PND), Office/Commercial Mixed-Use (OC). Rural (R) is checked.

RECEIVED

DATE: 10/11/16
FIG.
ZONING

Place Date Stamp Here

What Section of the Subdivision Regulations are you Requesting to Waive?

Article 20 Sec. 20.201B A(1)(b) - (24.110 - 24.117)

Briefly Describe the Nature of Your Waiver Request:

Attached

Explain how the design of the project will provide public benefit in the form of reduction in County maintenance costs, greater open space, parkland consistent with the County Parks Plan or benefits of a similar nature.

Attached

Explain how the waiver, if granted, will not adversely affect the public health, safety, or welfare or the rights of adjacent property owners or residents.

Attached

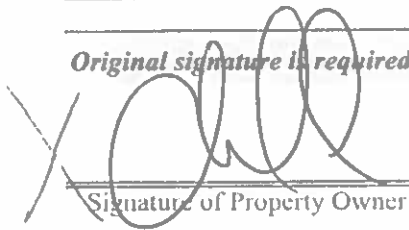
Explain how the waiver, if granted, will be in keeping with the intent and purpose of this Ordinance.

Attached

Explain how the waiver, if granted, will result in a project of better quality and/or character.

Attached

Original signature is required. The information given is correct to the best of my knowledge.


Signature of Property Owner

10/7/16
Date

Signature of Property Owner

Date

To Be Completed By Office

Date of Public Meeting/Public Hearing

Date Property to be Posted By

Official/Administrative Body

Date Adjoiner Letters to be Mailed

Approved/Denied by a vote of _____ for and _____ against this _____ day of _____, _____

Approved

Denied

#PCW16-10

RECEIVED

OCT 11 2016

JEFFERSON COUNTY PLANNING,
ZONING & ENGINEERING

**Asam Family Limited Partnership
Bavarian Inn
Request for Waivers
Article 20, Section 201B
Two Lot Subdivision to be Treated as Minor Subdivision
Advancement to Final Plat Stage for Administrative Processing
Jefferson County Subdivision and Site Development Ordinance
October 11, 2016**

Brief Description of Request:

The Bavarian Inn is located on several parcels that are owned by the same family, but in different family partnerships and separate corporate names. One of the parcels is approximately 6 acres and houses the main building of the Inn and Restaurant. The Inn has been operated by the Asam Family for many, many years and is indeed a successful local business and popular tourist destination in Jefferson County. Through the years, the Asams family has made many improvements and additions to the facility including most recently the complete renovation of the pool area into a beautiful outside oasis.

Since there are multiple parcels with different partnerships (within the same family), the applicant needs to create two lots out of this approximately 6-acre parcel. The purpose of this subdivision is purely for corporate and financial reasons at this time. The new line will be created just on the Jefferson County portion of the property. As nothing but the subdivision of land is being proposed at this time, the two parcels will not create any need for improvements, roads, stormwater management, water or sewer approvals or a new entrance permit. Both parcels have their own entrances and will continue to share the internal road system and parking areas as they do now. Absolutely nothing will change with regard to the infrastructure, external appearances or internal operations.

Since there will be no external impact or changes in anything on the ground, the applicant is asking that the Planning Commission approve a Waiver to advance the subdivision to Final Plat Stage and to treat it as a minor subdivision. This is very similar to what would happen in an existing business park in the County. The applicant is also asking that they don't have to plat the existing internal driveways and parking areas as easements since ownership of the parcels will remain the same. If this is granted, the applicant agrees to place a note on the plat that will require easements to be dedicated when and if either of the parcels would ever be sold to an external party. Additionally, the applicant is requesting that since there will be no changes to the internal roads or any additional impact on the existing entrances, that they won't need to process an entrance permit for these parcels. Each of the newly created parcels will continue to use the existing entrances on the site. Neither parcel will be landlocked. Again, if they ever develop the vacant parcel that is being created, the applicant understands that they will need to process with the WVDOH. Currently, time is of the essence.

The Staff has told the applicant's representative that they will support this waiver and advancement to final plat stage for administrative approval since there will be no changes to the site. The Staff has recommended that this subdivision be treated as a Minor Subdivision in order to create the lots, since the property essentially developed through the ordinances in place at the time of construction and that these waivers will change nothing on the property that has already been approved. In fact, the SWM, the access, the entrances, the parking, the external landscaping and all other approved elements of the property will remain the same. All the Applicant is requesting is a way to draw one line to keep the main building on its own parcel for corporate and financial purposes.

If the Planning Commission approves the variance to allow the creation of a new property line as a Minor Subdivision to be approved administratively, the Applicants will be able to move forward in a needed swift manner. The platting of the internal access driveways and parking lots is simply not needed at this time, since nothing is being sold or developed. Likewise, since there will be no additional impact on the State roads, no approvals are needed.

The Applicant understands that if the PC grants the waivers, that it will be conditioned on the Zoning Board of Appeals grant similar variances at an upcoming BZA meeting.

Thank you for your consideration of this matter.

Asam Family Limited Partnership
Bavarian Inn
Request for Waivers
Article 20, Section 201B
Two Lot Subdivision to be Treated as Minor Subdivision
Advancement to Final Plat Stage for Administrative Processing
Jefferson County Subdivision and Site Development Ordinance
October 11, 2016

1. Explain how the design of the project will provide public benefit in the form of reduction in County maintenance costs, greater open space, parkland consistent with the County Parks Plan or benefits of a similar nature.

There will be no impact on these issues as this is a privately maintained facility. Currently, the Bavarian Inn is a beautifully landscaped business with a lot of open space.

Furthermore, the waivers will have no effect on the perimeter of the property. The property will look exactly as it does now. It will only have one new property line added on the Jefferson County portion of the property. Also, if necessary, easements will be deeded if either of the new properties are ever conveyed separately. The parking and access roads will continue to be used to mutually benefit both parcels just as they are now. If the properties are conveyed separately in the future, easements will be dedicated at that time.

Finally, the existing parcel already has agency approvals for the development as it exists. There will be no changes to the entrances, external access or internal flow of traffic. Therefore, the granting of the waivers will not impact anything surrounding the property.

2. Explain how the waiver, if granted, will not adversely effect the public health, safety or welfare or the rights of adjacent property owners or residents.

As addressed in the description, the reason for the creation of these parcels are strictly for Corporate and financial purposes. Nothing is being changed on site. If either of these parcels are sold separately or if they are developed, the Applicant understands that there will be need for future processing. The Bavarian Inn has existed on this property for many, many years and is a well-known destination for both locals and tourists.

The property is well maintained with much open space and beautiful landscaping. The internal layout, including the access, entrances, driveways and parking works well with the environment and neighborhood. It will continue to do so in the future since nothing is changing. The facility has already processed through all required standards as the site was originally developed and subsequently improved.

The fact that this proposed subdivision, like other established business parks in the County, has already been approved with the buildings, entrances, parking and access drives and landscaping already located on the property makes this a unique situation. The new property line will just split the property into two lots, without any changes in appearance or function.

3. *Explain how the waiver, if granted, will be in keeping with the intent and purpose of the Ordinance.*

The intent and purpose of the subdivision ordinance is to ensure that subdivisions are developed in a way that does not adversely affect the neighborhood and to ensure that it becomes a well-built product. In this case, there will be no additional construction since the subdivision is for Corporate reasons. The Bavarian Inn has already proven that it is a good neighbor with no adverse impact in the neighborhood. It is also a properly designed facility that is well respected in the community.

The two lots for all intents and purposes will continue to look and function like a single facility. The three entrances will continue to be used and will function without increased impact on the highways. The parking lots and access roads will continue to serve the facility. Finally, if the lots are ever sold separately or further developed, the proper easements will be dedicated and it will process under the current regulations.

The County has already determined that this facility, as designed and approved, is a proper and safe use of the land that has met the standards, intent and purpose of all of the ordinances. As such, it will continue to meet the purpose of the ordinance since nothing is being added or changed.

4. *Explain how the waiver, if granted, will result in a project of better quality and/or character.*

The property is already an example of high quality development with timeless character. The Bavarian Inn has withstood the test of time and many changing markets. The creation of two lots at this time, will not adversely affect the character or quality of this facility. In fact, it will allow them to better manage the facility with two separate parcels.

The roads, entrances, landscaping, parking, SWM, etc., will all remain and continue to function at a high level. If the Planning Commission approves the waivers to allow the creation of a new property line as a Minor Subdivision to be approved administratively, the Applicants will be able to move forward in a needed swift manner. The platting of the internal access driveways and parking lots is unneeded at this time, since nothing is being sold or developed. Likewise, since there will be no additional impact on the State roads, no approvals are needed.

The Commission's approval of the waivers would be greatly appreciated.



2.02AC

6.1

1.29AC

10.1

3.74AC

10.2

0.59AC

P10-102

P10-101

1.14 AC

6.4

0.97AC

6.5

1AC

16.3

1.42AC

1.77AC

16.6

5.65AC

STATE OF WEST VIRGINIA

DISTRICT CORPORATION

SHEPHERDSTOWN

WASHINGTON JEFFERSON

EXEMPT

EXEMPT

EXEMPT

EXEMPT

EXEMPT

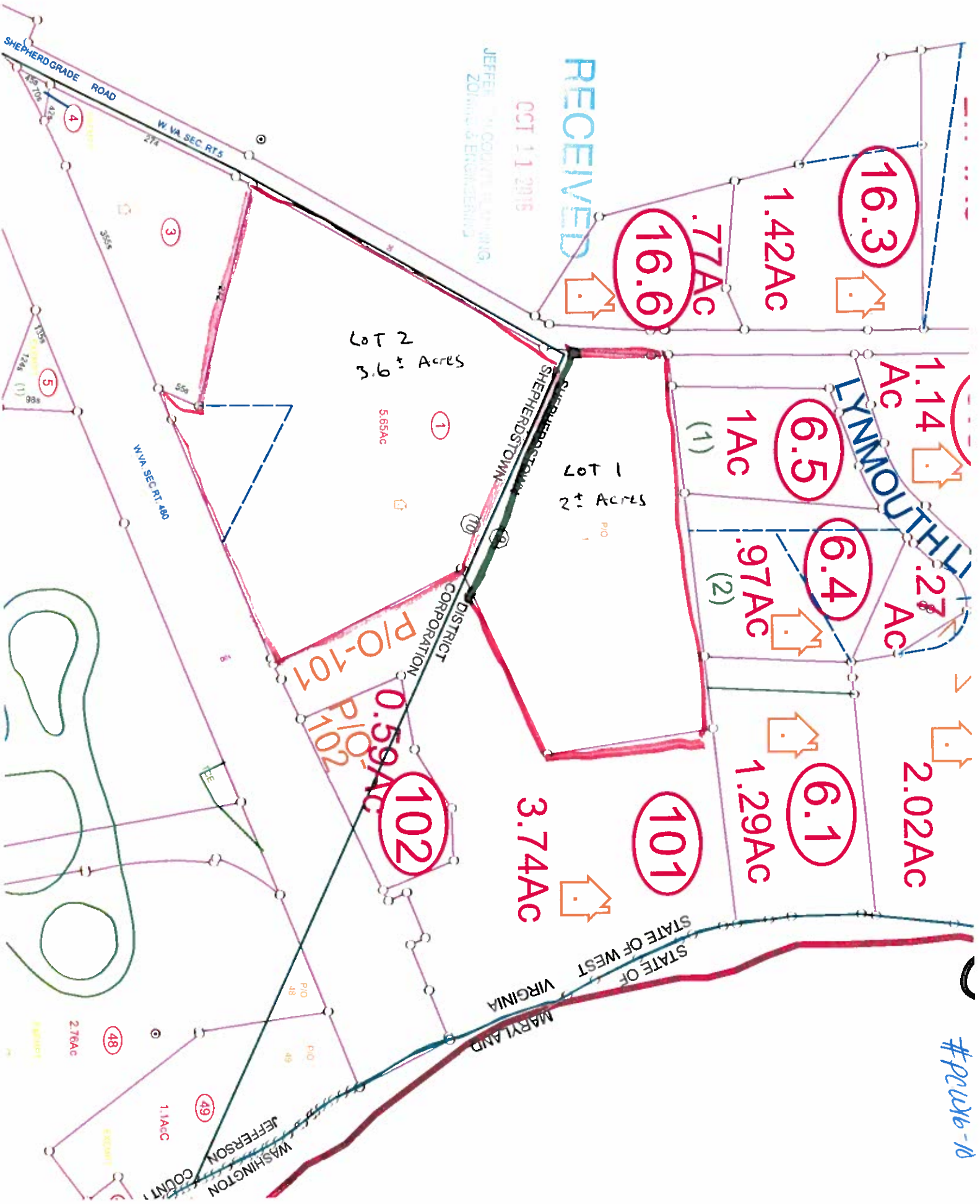
EXEMPT

#PCU16-10

RECEIVED

OCT 11 2015

JEFFERSON COUNTY ENGINEERING
ZONING & ENGINEERING





Jefferson County, West Virginia

Office of Planning and Zoning
116 East Washington Street, 2nd Floor
Charles Town, WV 25414

Email: planningdepartment@jeffersoncountywv.org

Phone: (304) 728-3228

Email: zoning@jeffersoncountywv.org

Fax: (304) 728-8126

Planner's Memorandum Planning Commission Meeting November 1, 2016

1) Ongoing Zoning Ordinance and Subdivision Regulation Amendments

a) LESA/Cluster Amendment (ZTA16-01)

- Amendment to replace the current nontraditional Zoning Ordinance with a traditional Zoning Ordinance – **Public Hearing set for December 1, 2016 7 pm.** Open House format with staff 6:30-7:00 to answer questions from public.

b) Mass Events Ordinance (ZTA 14-02):

- CC Public Hearing postponed until Summer 2016 – no action to date

2) Upcoming Zoning Ordinance and Subdivision Regulation Amendments

a) Historic Resource Demolition and Adaptive Reuse

- JCHLC drafting proposed language

b) Landscape Standards

- Stakeholder meeting with staff held 9/23/16 – draft amendment tentatively set for to PC January 2017

c) Signage

- Including animated vs digital signs to be addressed; sign industry may need early input

d) Parking Standards

e) Subdivision Regulations Amendments

- Staff initiating amendments related to sections requiring frequent interpretations and issues, including but not limited to processing mergers/lot line adjustments; contents of minor subdivisions, etc. Stakeholder input may be required early in process

3) Upcoming PC meeting

- a) Next Regular Meeting: December 13, 2016